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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

COWGILL et al.

Confirmation No.: 6630

Serial No.: 08/477,984

Art Unit: 1654

Filing Date: June 7, 1995

Examiner: A. Gupta

Title: METHODS OF PURIFYING AUTHENTIC IGF FROM YEAST HOSTS

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Roberta L. Robins, state that I am an attorney of record in the above-captioned application and am a representative authorized to sign this document on behalf of the common owners of this invention.

2. Chiron Corporation and Cephalon, Inc., together are the common owners of the entire right, title and interest in the invention disclosed and claimed in the above-captioned application, U.S. Serial No. 08/477,984, filed June 7, 1995, and together also are the common owners of the entire right, title and interest in U.S. Serial No. 09/564,414, filed June 2, 2000. The above-captioned application as well as U.S. Serial No. 09/564,414 were, at the time the inventions were made, owned by, or subject to an obligation of assignment to, Chiron Corporation and Cephalon, Inc.

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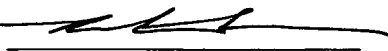
3. Chiron Corporation and Cephalon, Inc. hereby disclaim the terminal part of the statutory term of any patent granted on the above-captioned application Serial No. 08/477,984 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on U.S. Serial No. 09/564,414, except as provided below, and agree that any patent so granted on the above-captioned application Serial No. 08/477,984 shall be enforceable only for and during such period that it and U.S. Serial No. 09/564,414 are commonly owned, this agreement to run with any patent granted on the above-captioned application Serial No. 08/477,984 and to be binding upon the grantee, its successors or assigns.

4. In making this disclaimer, Chiron Corporation and Cephalon, Inc. do not disclaim the terminal part of any patent granted on the above-captioned application Serial No. 08/477,984 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Serial No. 09/564,414, as presently shortened by any terminal disclaimer, in the event that it later (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (e) has all claims cancelled by a reexamination certificate, (f) is reissued, or (g) is, in any manner, terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

5. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: 3/15/05

By: 
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